

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JEFFREY KNUTE CONNELL,

Plaintiff,

v.

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Defendant.

Case No. 05-cv-4122-JPG

**JUDGMENT**

This matter having come before the Court and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff Jeffrey Knute Connell and against defendant Secretary of Health and Human Services; that pursuant to the fourth sentence of 42 U.S.C. § 405(g) the decision of the Secretary of Health and Human Services is reversed; and that this case is remanded to the Secretary of Health and Human Services for further proceedings and a new decision. On remand, the Secretary shall evaluate the reasonableness of the 35-month delay between Connell's criminal conviction in March 2001 and his exclusion in February 2004. In deciding whether the delay was reasonable, the Secretary should consider the relevant circumstances, including the complexity of the issues considered, the volume of materials reviewed, any justification for delay, and the adverse impact on Connell.

**NORBERT JAWORSKI**

**Date: April 30, 2007**

**s/Vicki McGuire**  
**Deputy Clerk**

**Approved: s/ J. Phil Gilbert**  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**